

June 8, 2009

The Common Council met as the Water Utility Board at 7:00 p.m. on the above date in the Meeting Room at City Hall Annex with Mayor Tucker presiding and members Fuelling, Hoehn, Curtis, and Higgins attending. Board member Askren was not present. Others attending were Attorney Higgins; Supt. Gray; Chief Beloit; Chief Waters; Supt. Givens; Dave and Judy Whitten; Sheila Stewart; Tom Jones; Don Duckworth; Ben Bebout; Roger Carr; Larry Williams; Sara Manifold – Mount Vernon Democrat; Pam Robinson – Posey County News; and arriving during the meeting, Comm. Maynard.

Mayor Tucker called the meeting to order by stating members were either mailed or hand carried copies of the minutes of their previous meeting and by asking if there were any corrections or additions. He added if not, he entertains a motion to waive their reading and to approve the minutes as presented.

Board member Curtis moved the reading of the minutes be waived and they be approved as presented.

Seconded by Board member Fuelling.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

Mayor Tucker requested action on the claims presented.

Board member Higgins moved the claims presented be allowed for payment. Seconded by Board member Hoehn.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

*****CLAIMS*****

Mayor Tucker stated they will now hear the report of the Water Chairman.

Chairman Curtis stated Supt. Gray will give the report.

Supt. Gray reported the water department started their first round of hydrant flushing, and they have seen some pretty interesting colors, which is a good thing, it means the sediment is getting stirred up. He then stated the 12" line to the north booster station and the 8" line to the tie in are all completed, the lines are sterile and they have potable water. He concluded by stating they only need to have the power hooked up at this point.

Supt. Gray questioned the Board about the sludge treatment quotes from Mr. Morrison, which he presented at the last meeting. He wondered if they had come to any decisions ?

Comm. Maynard arrived at the meeting.

Chairman Curtis asked Supt. Gray's recommendation.

Supt. Gray replied the press could be used instead of putting the sludge back into the river, though the cheapest option would be to go with the geo textile bags. He stated the bags would take a lot of space, but he feels they can work around that, and the work itself would be done in phases – along with around the clock samples being taken. He added they would utilize local labor and local contractors. He then stated the cost for the entire project would run around \$300,000.00.

Chairman Curtis asked if they would have to build the entire project ?

Supt. Gray replied no, not all at once. He then stated phase 1 would cost \$21,000 and phase 2 would cost \$56,000.

Chairman Curtis asked if they could get by with only doing phases 1 and 2 ?

Supt. Gray replied yes, and then added if they went with the press option, that would run around \$500,000.

Chairman Curtis asked if they agree to spend the \$77,000 for phases 1 and 2, do they know for sure that would work, opposed to spending upward of \$1M ?

Supt. Gray replied it would still be a gamble, but they are almost 100% sure it would work.

Board member Hoehn asked what the study will tell them, that they have chosen the correct filter, or the best filter for the job ?

Supt. Gray replied the belt and frame press is the best option in the study but this is the most efficient and it will work.

Board member Fuelling asked if there is any value to the dry sludge ?

Supt. Gray replied there would be no more land filling of the sludge, and it does make good top soil. He added they could probably sell it to make money, and again, no landfill costs.

Chairman Curtis asked if Donahue did this study, through JCI ?

Supt. Gray replied yes, and these bags were one of their options.

Chairman Curtis then moved the Board approve phases 1 and 2 only, and that Supt. Gray proceed.

Seconded by Board member Hoehn.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Board voting as follows:

Askren – absent; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Supt. Gray continued his report by stating he has received some quotes on the painting of the Mulberry Tower, they range from \$25,600 to \$70,000.

Chairman Curtis asked when the tower was last painted ?

Supt. Gray replied 1989.

Chairman Curtis asked how many coats of paint was it painted with in 1989 ?

Supt. Gray replied one coat of paint, which is what the estimates are also for, that and 100 spot repairs, priming, the one coat of paint and lettering.

Chairman Curtis stated those estimates are more in the doable range.

Board member Fuelling added the inside of the tower also needs painting.

Board member Hoehn asked if any of these quotes sent in references ?

Supt. Gray replied yes and added he has them back at the office.

Board agreed to table any action for now.

Mayor Tucker asked if there were any questions for Supt. Gray or Chairman Curtis ?

There were none.

Mayor Tucker asked if the Clerk-Treasurer had any Communications for the Board ?

Clerk-Treasurer Wolfe replied not at this time.

Mayor Tucker stated they are now ready for the Legal portion of the Agenda.

Attorney Higgins stated she contacted Umbaugh as directed by the Board at their last meeting, about updating the water rates, and they are on board with that.

Mayor Tucker stated in the Audience and listed on the Agenda is Sheila Stewart, to discuss the painting of the water tower.

Ms. Stewart stated she appreciates Supt. Gray's efforts on getting this process started and she has been looking into things as well and communicating with some of her contacts in Indianapolis, including Richard Lugar. She added Mayor Tucker has also told her of some of the various programs and grants that the city has already applied for, Mr. Lugar sent her five more. She stated Mr. Lugar's office informed her that he will put his full support into helping the city get this funded, as has Mr. Bayh's office. She added both indicated they would help get the paperwork pushed through. Again, she stated she appreciates Supt. Gray's efforts thus far and she has also been told of \$2B in funding that is available for communities with populations of less than 25,000. It is worth a try.

Board member Curtis stated they have also had quotes on this work from \$150,000 to \$275,000, which of course, involve more than just the painting of the tower inside and out. He added he also appreciates Ms. Stewart's efforts and interest.

Mayor Tucker stated in reference to the stimulus money, the competition for those dollars is very, VERY rough. He then cited the following projects the water department has put on the list for some stimulus money:

- raw water intakes
- the Mulberry Tower
- new storage tank
- replacing water mains

Ms. Stewart then thanked the Board for their time and left the meeting.

Mayor Tucker stated also listed on the Agenda is Tom Jones.

Mr. Jones approached the podium and stated he lives at 102 Estate Drive and he would like to thank the Board for their time, though he would rather not be in attendance under these circumstances. He continued by stating he has tried every way conceivable in the past two years to get a situation at his home resolved, but nothing has seemed to work. Again, he stated, he did not want this. He stated he has a 50 year old water line under his driveway that has broken several times, and he has called the city three or four times to fix it, but every time, they just make a cut and patch it. He then stated he is now in the process of getting a new driveway and called the water department and told them he would appreciate it if when they were ready to pour the driveway, the department could replace that section of line that runs under the driveway. He added that did not work either, they came out, patched the line again and went on. He then stated it later broke again, actually, water came out from the hole the department had been in before. He stated it leaked for a couple of months and no one showed up to take a look at it. He indicated that he called down to the water department when no one showed up and he was told that no one knew of a leak and that it must be a new leak. He added they did finally show up and dig some digging around but nothing was fixed. He then stated he decided to go ahead and replace the driveway, though at this point, he doesn't know why he agreed to do that. He called the department again and stated he would appreciate their consideration in replacing that line under the driveway – they didn't, and it broke again, this time in the yard. He added the department is now digging in his yard about 6' deep, where they found the line and again patched it – did not replace it, patched a 50 year old line. He added at this time he called the city again and told them he would get with them when he had a date on when the driveway would be poured, as he would like the line replaced at that time. He stated he then got a date and called two and a half weeks before the work was to start, and he was told at that time that the water department would not be able to get it by then. He added a crew did finally come down and look at the situation and they said they wanted to wait until after the driveway was poured to replace the line. He then stated he did not want to put down a new driveway over a 50 year old line that keeps breaking. He stated at that point the water department just hem hawed around so he decided at that point to go ahead and have the driveway poured, though he isn't sure why. He added when the old driveway was being torn out, the old line broke again so he called the water department to send someone out. He stated this time, they did get someone out there quickly to look at it, and in the meantime he talked with Supt. Gray, as they were trying to figure out the

best option. He stated at that time, they all agreed to get the line replaced and backfill for 100% compaction. He added the concrete contractor was also there at the time. He stated Supt. Gray agreed to that and he was happy. Well, he continued, once the crew showed up they decided to bore under the driveway instead and that turned into a fiasco. He stated now his yard is tracked up, there are holes everywhere – deep holes. And, they hit something during the boring and busted a sanitary sewer line that runs from Lawrence Addition so now he has toilet paper, etc. in his yard as well. Now, he stated, the water line is on top of the sanitary sewer line, and had they done that they had decided to earlier, what Supt. Gray told them to, this would not have happened and he would not be here right now. He stated the water leak in the old line caused damage under the old driveway and it looked like quicksand underneath. At that time, he called Councilman Fuelling to come out and take a look. He added there was still about five to six feet of driveway that had not been pulled up yet, of the old concrete, and it was the same way when it was pulled up, very soppy. He added they started digging up beyond where the initial wet spot was, down about 16- 18” to try to get to solid ground. He stated at this point, Supt. Gray indicates that what transpired is not the city’s fault, but his dirt got wet. He said Supt. Gray said that the rain caused the wetness, not the leak, and it did rain, but that line had leaked for over two years. He stated he asked Supt. Gray why he wouldn’t work with him on this, he needed to get his driveway poured – but Supt. Gray did not respond, he just got in his truck, drove off, and left Mr. Jones standing there. He added he does have witnesses and he has also turned in a claim at the water department for reimbursement of work that had to be done. He asked if there were any questions ?

Board member Curtis asked if the line was repaired by the contractor after stuff was taken out ?

Mr. Jones replied yes, only one piece of the old driveway was left, down by the street.

Board member Hoehn asked if Mr. Jones believes the area is still wet due to saturation of years of the leak, or there is a new leak ?

Mr. Jones replied there is no new leak, it is fixed.

Board member Hoehn asked what “fix” Mr. Jones is wanting from the Board ?

Board member Fuelling asked the amount of the claim he has filed ?

Board member Hoehn asked if he is wanting his yard fixed, new dirt hauled in ... ?

Mr. Jones replied no, he has already done the work and fixed the yard. He is asking to be reimbursed for the extra money he had to spend to get back up to grade, \$2,800.00 – and he does have an itemized bill.

Board member Fuelling asked Attorney Higgins for guidance.

Attorney Higgins stated if a department does not believe the city is responsible for an incident, the other recourse is a tort claim notice is filed – usually within 180 days of the damage, then the city can respond to the tort claim notice. She added she realizes that is a procedural answer and maybe not what they are looking for. She then stated the Utility Board can hear that, but usually the insurance adjustor looks into things of that nature.

Board member Curtis stated unless the concrete contractor has something else to add, he has no questions.

Attorney Higgins stated normally at this point, the Board would take the matter under advisement.

Board member Hoehn asked at what point Mr. Jones is in this process ?

Mr. Jones replied he was given a blue claim to fill out at the water department.

Attorney Higgins stated if the city finds they are not responsible, then the matter is turned over to the insurance carrier.

Board member Curtis stated he talked with Mr. Jones, then to Supt. Gray, and Supt. Gray feels the city is not responsible, so from that perspective, now what ?

Attorney Higgins replied the Board takes the matter under advisement and Supt. Gray and Mr. Jones can provide additional information, as things have been handled informally to this point.

Board member Curtis stated he would feel more comfortable if Supt. Gray would put his opinion in writing and distribute that to the Board in order to be more informed.

Board member Hoehn agreed.

Board member Fuelling asked if they could have a decision by the next meeting ?

Board member Curtis replied yes, they can decide then.

Board member Higgins asked when he first realized there was a problem ?

Mr. Jones replied at least two years ago, 2007.

Mt. Jones thanked the Board and he, his contractor, and Mr. Duckworth left the meeting.

Mayor Tucker asked if anyone else in the Audience wished to address the Board ?

There was no response.

Mayor Tucker asked if there was any Old Business ?

There was none.

Mayor Tucker asked if there was any New Business ?

There was none.

Mayor Tucker stated if there was no further business, he entertains a motion to adjourn.

Board member Hoehn moved the meeting be adjourned. Seconded by Board member Fuelling.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously and adjourned the meeting.

John Tucker
Mayor

ATTEST:

Cristi L. Wolfe
Clerk-Treasurer

The Common Council met immediately following the Water Utility Board on the above date in the Meeting Room at City Hall Annex with Mayor Tucker presiding and members Fuelling, Hoehn, Curtis, and Higgins attending. Councilwoman Askren was not present. Others attending were Attorney Higgins; Supt. Gray; Chief Beloit; Chief Waters; Supt. Givens; Dave and Judy Whitten; Larry Williams; Sara Manifold – Mount Vernon Democrat; Pam Robinson – Posey County News; and Comm. Maynard.

Mayor Tucker called the meeting to order by stating members were either mailed or hand carried copies of the minutes of their previous meeting and by asking if there were any corrections or additions. He added if not, he entertains a motion to waive their reading and to approve the minutes as presented.

Councilwoman Hoehn moved the reading of the minutes be waived and they be approved as presented. Seconded by Councilman Curtis.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

Mayor Tucker stated they will now hear the reports of the Standing Committees.

Street & Light Chairwoman Hoehn stated they need to discuss trees again. She added they need to get some up where they tore the dead ones out, but it is hard to get funding. She suggested the city purchase smaller trees from Home Depot or Lowes for around \$25.00 each. She stated the arborist has approved a

smaller tree for those locations, they grow easier. She added, at the very least, she would like to see the two trees replaced in front of city hall.

Comm. Maynard stated this tree debate has been going on for awhile now and he feels they need to make a decision on what needs to be done. He added the city maintains the sidewalks and they can also maintain the trees, IF they belong to the city. He then stated they need to replace the trees that are missing – either that, or fill the holes in with concrete. He then stated they do have some affordable options.

Mayor Tucker replied money is the issue right now.

Comm. Maynard agreed and added he guesses his budget will have to fund whatever they decide to do. Councilwoman Hoehn stated some business owners may want to contribute, but that may also mean they want a \$300 tree in front of their business, which makes for an awkward situation. She suggested the Council do something and quit just talking about it.

Comm. Maynard agreed approaching the business owners may be a possibility, and though he does not want to push the issue, something needs to be done.

Councilman Curtis asked if the sidewalks belong to the city, and if they do, then it is our responsibility. He then questioned uniformity – there are some trees left so they would not match the new trees to be put in, or would the remaining trees also be pulled out ? He also questioned a dollar amount and does the city want to just concrete the holes and not mess with it at all ? He concluded by suggesting there be a list of priorities.

Attorney Higgins stated typically the homeowner/business owner owns and maintains the sidewalk, but these particular sidewalks were put in using grant money and they were therefore, the city's design. She then added planting of trees would actually be a Board of Works decision.

Councilman Curtis stated he is not in favor of uniformity due to death of trees by disease, etc.

Councilwoman Hoehn replied the arborist agreed with that.

Councilman Curtis asked if the arborist could give the city a plan ?

Councilman Fuelling replied they already have that.

Councilwoman Hoehn added the arborist suggested locust trees and hedge maples, Evansville has them and they worked out well.

Councilman Curtis stated he would rather someone else does it as this is NOT his area of expertise.

Comm. Maynard asked who has the authority to make the decision ?

Attorney Higgins replied the city put that plan in place.

Councilman Fuelling stated he thought the committee that was formed to look into this was working on getting some funding.

Councilwoman Hoehn replied no one wants to be on that committee.

Attorney Higgins added this is really a Board of Works decision.

Councilman Fuelling stated as this will end up costing the city, putting in smaller trees is the logical thing to do.

Comm. Maynard stated he feels the grates should also be removed, but they can discuss this at the next Board of Works meeting.

Councilwoman Hoehn agreed the city can not afford bigger and better, and it appears the city will be on their own with this so it should be scaled back some.

Judy Whitten stated she feels it would be good public relations to keep the business owners aware of what is going on and the city's efforts. She then volunteered to take flyers around to all businesses, if need be. She also stated the big flower pots that are located on some corners would fit over the holes where the trees were – it would be a temporary solution, but would like nice and cost less.

Councilwoman Hoehn agreed and added the pots could be moved, she just felt at this point she and

Comm. Maynard needed some direction from the Board of Works.

Councilwoman Higgins asked that someone get the list of arborist approved trees to her and Councilman Fuelling to use as a guideline.

Councilman Fuelling suggested they let Mrs. Whitten do the leg work, they can then pick nine trees, plant nine trees, and have Mrs. Whitten talk to the business owners and maybe get some of them paid for. He agreed the grates should be removed but the area would have to be dug out some so the mulch wouldn't be higher than the sidewalk. He agreed the Board of Works should look into it.

Mayor Tucker asked if there were any questions ?

There were none.

Police & Dog Chairwoman Askren was not present.

Chief Beloit stated he has no report.

Mayor Tucker asked if there were any questions ?

There were none.

Fire Chairman Fuelling asked about the fire truck repair ?

Chief Waters replied it is still in the works.

Mayor Tucker asked if there any questions ?

There were none.

Sewer Chairwoman Higgins reported the sewer project has started and she is happy to see it.

Supt. Givens stated he goes down every day to check on the progress – the railroad track is almost totally out now. He added there is a lot of digging going on, he will be finding out more to report later.

Mayor Tucker asked if there were any questions ?

Chairwoman Higgins stated Supt. Givens has been having a signage issue at the plant – semis turning in thinking they were at SABIC. She added Mapquest has been notified as well as Google that their directions are wrong and SABIC is working on the issue as well.

Supt. Givens thanked Councilwoman Higgins for her efforts on getting this resolved.

Mayor Tucker asked if there were any other questions ?

There were none.

Mayor Tucker stated they have the Financial Report for May before them and any questions could be directed to Clerk-Treasurer Wolfe.

Mayor Tucker asked if the Clerk-Treasurer had any Communications for the Council ?

Clerk-Treasurer Wolfe replied not at this time.

Mayor Tucker stated they are now ready for the Legal portion of the Agenda.

Attorney Higgins stated the first item is the second reading of the proposed Ordinance to Amend the City of Mt. Vernon Code of Ordinances, Title VII – Traffic Code, Chapter 74 – Traffic Schedules – Schedule I – Stop Intersections; Title VII – Traffic Code, Chapter 74 – Traffic Schedules – Schedule III – Signalized Intersections; and Title VII – Traffic Code, Chapter 74 – Traffic Schedules – Schedule IV – One-Way Streets. She then stated this is in relation to Venice Avenue and a clean up ordinance as well.

Councilwoman Hoehn moved the ordinance pass second reading. Seconded by Councilman Curtis.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren – absent; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Councilman Curtis moved the rules be suspended. Seconded by Councilman Fuelling.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren – absent; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Councilman Curtis moved the ordinance pass on final reading. Seconded by Councilman Fuelling.

Mayor Tucker asked if there was any discussion ?

Councilwoman Higgins asked if Councilwoman Hoehn made contact with any of the land owners in the area ?

Councilwoman Hoehn replied no.

Attorney Higgins stated in traffic ordinance situations, the notice goes in after the fact.

Mayor Tucker asked if there were any other questions ?

There were none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren – absent; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Clerk-Treasurer Wolfe added it will be numbered 09-12.

Mayor Tucker stated there is another item that is not listed on the Agenda. Comm. Maynard would like to reinstate the position of yard foreman.

Attorney Higgins state this change has been recommended by the Board of Works and would involve a \$.50/hr increase in pay. She added she could have the amending ordinance prepared for the next meeting.

Councilwoman Higgins stated the Street Department has now been divided into two locations and Comm. Maynard can not be in two places at once.

Attorney Higgins added Comm. Maynard has sufficient funds in his existing budget to cover the change, which would amount to around \$1,040.00 per year, or \$600 for this year.

Councilman Fuelling again stated the Board of Works approved the requested change.

Councilwoman Hoehn moved the position of yard foreman be reinstated, at a salary increase of \$.50/hr and that Attorney Higgins prepared the ordinance for their next meeting. Seconded by Councilman

Fuelling.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren – absent; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Attorney Higgins stated Comm. Maynard, as a result of the ice storm, applied through FEMA for reimbursement of the some the expenses the clean up cost. She added he was approved and will be receiving \$43,364.63. She stated when that money arrives, Clerk-Treasurer Wolfe will receipt it into his budget, but an additional appropriation will then be needed to give the authorization to spend the money. She added Comm. Maynard would like to use the money as a down payment on a new lightning loader, as theirs is 11 years old. She continued by stating the tax anticipation warrants the city obtained last July are due June 30 – this money they used as an operating loan. She added the 2007 pay 2008 tax settlement will not be made to the city by June 30, 2009 and the TAW's will need to be extended, that ordinance will be at their next meeting. She added they may also have to have a new loan for 2009 operating money. She then stated this is just a little F Y I for the Council.

Mayor Tucker asked if anyone in the Audience wished to address the Council ?
There was no response.

Mayor Tucker asked if there was any Old Business ?
There was none.

Mayor Tucker asked if there was any New Business ?
There was none.

Mayor Tucker stated they will now hear the reports of the Districts.

1st District Councilwoman Askren was not present.

2nd District Councilman Fuelling state he has met with Robbie Buchanan of Evansville Western Railroad about their cleaning up the area of north Main Street, and they have already worked on cleaning some of their ditches. He then stated he has met with department heads on the eastside annexation, about where their respective departments stand on the services for the newly annexed area; and Comm. Maynard and Supt. Givens have been working on a water issue at Harriet and 9th Streets.

3rd District Councilwoman Hoehn stated she has no report.

4th District Councilman Curtis stated he has no report.

Councilwoman-at-Large Higgins stated she has no report.

Mayor Tucker stated June 21 from 8:00 am to 4:00 pm will be Tractors on the Square, put on by Nick Fuelling and Kelly Collins. Then at 7:00 pm there will be a concert by Blend on the lower end of Main Street. He continued by stating he has received confirmation that the Indianapolis Colts ARE coming to Mt. Vernon July 1 from 4:00 pm to 6:00 pm and thanks to Mr. Bulkley who will let them use the old Dausman Building. He then stated it is budget time and he would like to meet with the Council and Department Heads after their next meeting on the 22nd to discuss budget preparation. He then concluded his report by stating the Farmer's Market will open June 16 and run through September 1 from 3:30 pm to 6:00 pm, and will be located behind on the Super Wash on E. 4th Street.

Attorney Higgins stated tomorrow morning at 9:00 am the County Council will meet to discuss the EDIT tax, at the Hovey House.

Mrs. Whitten stated she is glad the railroad tracks are finally gone on Water Street, after 120 years !

Mayor Tucker stated if there was no further business, he entertains a motion to adjourn.

Councilman Fuelling moved the meeting be adjourned. Seconded by Councilman Curtis.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously and adjourned the meeting.

John Tucker
Mayor

ATTEST:

Cristi L. Wolfe
Clerk-Treasurer

